

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

AUTO - OWNERS INSURANCE )  
COMPANY and OWNERS )  
INSURANCE COMPANY )  
 )  
Plaintiff ) CIVIL ACTION FILE NO.  
 ) 1:21-cv-00971-SCJ  
v. )  
 )  
MEP PRO SERVICES, LLC; )  
THE WHITING-TURNER )  
CONTRACTING COMPANY; )  
AND UNITED STATES FIRE )  
INSURANCE COMPANY )  
 )  
Defendants. )

**NOTICE OF SETTLEMENT AS TO PLAINTIFFS AND UNITED  
STATES FIRE INSURANCE COMPANY**

COMES NOW, Defendant United States Fire Insurance Company (“U.S. Fire”) and confirms its settlement with Plaintiffs Auto-Owners Insurance Company (“Auto- Owners”) and Owners Insurance Company (“Owners”) (Auto- Owners and Owners together “Plaintiffs”) and files this Notice of Settlement, showing this Court as follows:

1. On September 14, 2022, Plaintiffs filed a Notice of Settlement stating in pertinent part the following:

- a. Plaintiffs have reached a settlement with MEP Pro Services, LLC (“MEP Pro”) and MEP Pro has executed a settlement agreement.
- b. Plaintiffs have reached a settlement with Whiting-Turner Contracting Company (“Whiting-Turner”) and Plaintiffs and Whiting-Turner were finalizing related paperwork, which was anticipated to be completed within two weeks of Plaintiffs’ September 14, 2022, Notice of Settlement. Plaintiffs also noted that one element of consideration, the monetary consideration, had already been transmitted to be held in trust by Whiting-Turner’s counsel. Another element of consideration, the dismissal with prejudice of the underlying lawsuit, was anticipated to be completed within seven (7) days of Plaintiffs’ September 14, 2022 Notice of Settlement.<sup>1</sup>
- c. Plaintiffs circulated a proposed Notice of Settlement to all parties and Whiting-Turner and MEP Pro did not object to the filing of the Notice of Settlement. Plaintiffs further stated that upon the dismissal with prejudice of the underlying action, Plaintiffs would file a stipulation of dismissal without prejudice of this lawsuit as soon as the parties to this lawsuit provide their consent.

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<sup>1</sup> On September 16, 2022, Whiting-Turner filed its Stipulation of Dismissal With Prejudice, dismissing all claims it had against Defendant MEP Pro Services, LLC in Fulton County State Court, Civil Action No. 20-EV-005573.

2. Today, September 19, 2022, Defendant U.S. Fire's counsel instructed Plaintiffs' counsel that it agreed to Plaintiffs' proposed Stipulation of Dismissal of all Defendants Without Prejudice.

3. Defendant Whiting-Turner's counsel has also agreed to Plaintiffs' Stipulation of Dismissal Without Prejudice.

4. Attached hereto as Exhibit A is a draft Stipulation of Dismissal Without Prejudice that Plaintiffs' counsel has prepared and all counsel of record have approved. Plaintiffs' counsel has stated that she will file this Stipulation of Dismissal Without Prejudice after she receives confirmation of approval from MEP Pro, or she will file a related Motion.

Respectfully submitted this 19<sup>th</sup> day of September, 2022.

**THE MENECHINO LAW FIRM LLC**

*John E. Menechino, Jr.*

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*Attorney for Defendant, United States Fire  
Insurance Company*

**CERTIFICATION OF FONT**

I hereby certify that this pleading has been prepared with Times New Roman 14 point font, as approved by the Court in L.R. 5.1B.

DATED this 19<sup>th</sup> day of September, 2022.

**THE MENECHINO LAW FIRM LLC**

*John E. Menechino, Jr.*

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*Attorney for Defendant, United States Fire  
Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date electronically filed the foregoing **Notice of Settlement as to Plaintiffs and United States Fire Insurance Company** with the Clerk of Court, which will automatically send e-mail notifications of such filing to the following attorneys of record:

Mark S. VanderBroek, Esq. S. Jake Carroll, Esq. Nelson Mullins Riley & Scarborough, LLP 201 17th Street, N.W., Suite 1700 Atlanta, Georgia 30363	Mark T. Dietrichs, Esq. Rebecca E. Strickland, Esq. Swift, Currie, McGhee & Heirs The Peachtree, Suite 300 1355 Peachtree Street, NE Atlanta, Georgia 30309 <a href="mailto:Mark.deitrichs@swiftcurrie.com">Mark.deitrichs@swiftcurrie.com</a> <a href="mailto:Rebecca.strickland@swiftcurrie.com">Rebecca.strickland@swiftcurrie.com</a> <i>Counsel for Plaintiffs</i>
Michael K. Wilson, Esq. Natalie P. Chappel, Esq. Nelson Mullins Riley & Scarborough, LLP 390 North Orange Avenue, Suite 1400 Orlando, Florida 32801 <a href="mailto:mark.vanderbroek@nelsonmullins.com">mark.vanderbroek@nelsonmullins.com</a> <a href="mailto:jake.carroll@nelsonmullins.com">jake.carroll@nelsonmullins.com</a> <a href="mailto:mike.wilson@nelsonmullins.com">mike.wilson@nelsonmullins.com</a> <a href="mailto:natalie.chappel@nelsonmullins.com">natalie.chappel@nelsonmullins.com</a> <i>Counsel for The Whiting-Turner Contracting Co.</i>	

and the following party will be served with such filing by U.S. Mail, first-class postage prepaid to ensure delivery:

MEP Pro Services, LLC  
c/o Harold J. Phillips  
30 Dorris Road  
Alpharetta, Georgia 30004

DATED this 19<sup>th</sup> day of September, 2022.

**THE MENECHINO LAW FIRM LLC**

*John E. Menechino, Jr.* \_\_\_\_\_

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